

ETAILED ACTION

1. This action is responsive to amendments filed on 7/23/2009.
2. Claims 16-23,27 and 28 are pending. Claims 16-23,27 and 28 are amended.
3. The rejections of Claims 16-22 and 29 under 35 USC 102(e) as being anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over Bastiaens (US Patent 7022776) are mooted in view of Applicants' amendments.
4. The rejections of Claims 16-22 and 29 under 35 USC 102(e) as being anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over Hagimori et al. (EP 0535955) are mooted in view of Applicants' amendments.
5. The rejections of Claims 16-23 and 27-29 under 35 USC 102(e) as being anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over Lundgard et al. (US Patent 5844037) are mooted in view of Applicants' amendments.
6. Claims 16-23 and 27-28 stand rejected under 35 USC 102(e) as being anticipated by, or in the alternative, under 35 USC 103(a) as obvious over Miyoshi et al. (US Patent App. Pub. No. 2003/0134963).

Response to Arguments

7. Applicant's arguments filed 7/23/2009 have been fully considered but they are not persuasive.

With respect to the rejections of Miyoshi et al. (US Patent App. Pub. No. 2003/0134963), Applicants contend that the continuous phase only contains polyamides or variations and further alleges the Miyoshi et al. reference discloses an "alloy" which comprises a matrix of polyphenylene ether blended with a polyamide and thus does not meets the limitations of the instant claim.

The Examiner respectfully disagrees and notes that, after careful inspection of the Miyoshi et al. disclosure, mention of the term "alloy" is in reference to the prior art and does not necessarily apply to the Miyoshi invention. Furthermore, examples in the Specification clearly illustrate (see e.g. Example 1) wherein polyphenylene ether is being blended with impact modifier and carbon black "upstream" to the addition of polyamide in the composition. The Examiner construes this process as equivalent to a masterbatching and further notes that the amounts of the components added upstream are individually less than the amount of polyamide added to the final composition. The Examiner believes the combination of the specific process as well as weight fractions of the components

would yield a composition which contains a matrix of polyamide and dispersed phase of polyphenylene ether, carbon black and impact modifier. The currently amended claims do not exclude polyphenylene ether from the dispersed phase of the composition.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P. Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 9:30 am to 6:00 pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. P. T./
Examiner, Art Unit 1796

/Mark Kopec/
Primary Examiner, Art Unit
1796